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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Quaglieri

DATE: July 21, 2003

**PATENT  
MAIL-STOP NON-FEE AMENDMENT**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Application of	: Group Art Unit:
	Donald L. Siegel	: 1639
		:
Appln. No:	09/848,798	: Examiner:
		: Bennett Celsa
		:
Filed:	May 4, 2001	: Attorney Docket No.
		: (053893-5008-02)
For:	RH(D)-BINDING PROTEINS AND	:
	MAGNETICALLY ACTIVATED CELL	:
	SORTING METHOD FOR PRODUCTION	:
	THEREOF	:

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**RESPONSE TO RESTRICTION REQUIREMENT**

This response is being timely filed in view of July 20, 2003 being a Sunday.

**Election of invention**

Responsive to the Restriction Requirement dated June 20, 2003 (Paper No. 4), issued in connection with the above-identified application, Applicant elects to prosecute the claims of Group I, claims 11-13 and 22-37, drawn to isolated DNA encoding a protein of SEQ ID NOs 1-69 and 139-181.

This genus election is being made without traverse and without prejudice to the inclusion of the subject matter of the non-elected claims in any later filed divisional or continuation application(s).

**Further election if Group I is elected**

At page 3 of the Office Action (Paper No. 4), the Examiner has requested that if election is made to the claims of Group I, then a further species election must be made to a single nucleotide sequence or to an amino acid sequence.

Applicant, in a good faith effort to expedite the prosecution of this application, hereby elect, with traverse, a nucleotide sequence comprising the sequence SEQ ID NO: 97 for initial prosecution on the merits, without prejudice to the inclusion of the subject matter of the non-elected species in any later filed divisional or continuation application(s). Further, Applicant hereby traverses this requirement as follows.

Traversal of species elections

With regard to the election of a single nucleotide sequence for examination, Applicant submits that in performing a patentability search for a nucleotide sequence encoding a protein where the protein is an anti-Rh(D) protein encoded by DNA exemplified by SEQ ID NOs: 70-138 and 182-224, and in the context of the claims elected herein, the Examiner will necessarily uncover art pertaining to any such nucleotide sequence, if such art exists. That is, Applicant submits that the nucleotide sequence of SEQ ID NOs: 70-138 and 182-224 are sufficiently similar such that a search of the pertinent art for any one of these sequences should uncover art, if any such art exists. Therefore, no undue burden is placed upon the Examiner to search for all the nucleotide sequences as set forth in SEQ ID NOs: 70-138 and 182-224 at this time.

In any event, it is Applicant's understanding that the remaining species recited in the elected claims of Group I will be examined on the merits should the Examiner find that claims reciting SEQ ID NO: 97 are allowable.

Summary

Early consideration and allowance of the claims in the present application is requested at the earliest possible time.

Respectfully submitted,

**DONALD L. SIEGEL**

July 21, 2003  
(Date)

By:

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